not rubbed the wrong way. The real complaint is that osteopaths restrict themselves to these remedies and do not resort to drugs and surgery; but that very fact establishes that they do not violate the law requiring a license to practice medicine and surgery. Doubtless there is an appeal to the imagination, but who does not know that a prescription by a physician in whom the patient has implicit confidence is oftentimes more effective than the same treatment by one in whom he has none, and that at times bread pills and other harmless prescriptions are administered with good results."

That such statutes do not prohibit the assumption of the title "doctor" by any person; that praying for those suffering from disease, or teaching that disease will disappear and physical perfection be attained as a result of prayer; and that the system known as "Christian Science" do not come within their provisions has been held in *State of Rhode Island v. Mylod,* 40 Atl. 753, 41 L. R. A. 428, and *Evans v. State,* 9 Ohio S. & C. Dec. 222.

The Legislature of Pennsylvania now has a bill under consideration which provides that all persons who shall profess to diagnose or treat disease or injury "by any method whatsoever" shall be licensed, and that the condition of such license shall be the passing before a Board of Medical Examiners of a satisfactory examination in anatomy, physiology, pathology, and diagnosis, or present satisfactory evidence of having passed such examination before a similar body in another State having equally stringent requirements. The object of this bill, at least, would seem to offer a just solution of the difficulty with which the legislatures and courts are now confronted. On the one hand it would exclude from medical practice by any system or method those not qualified by education to practice intelligently. On the other hand by merely requiring a knowledge of the elements of modern medical education it would not place too great a check upon the liberty to choose one's own method of treatment. The practitioner could practice any system subject only to liability for malpractice.

RIGHT TO ENJOIN STRIKES ON THE GROUND OF INTERFERENCE WITH INTERSTATE COMMERCE.

The recent opinion of Judge Adams of the United States Circuit Court for the Eastern District of Missouri in the case of the *Wabash R. R. Co. v. Hannahan* (Mar. 31, 1903), denying the right of the plaintiff to enjoin the officers of the Brotherhoods of Railway Engineers and Firemen from ordering a strike or otherwise interfering with the fulfillment of their obligations to interstate commerce, has awakened much comment. The Central Law Journal (Apr. 17, 1903) commenting on the decision reaches the conclusion that the case of *Re Debs,* 158 U. S. 725 (1895), holds squarely against the position taken by the court in the principal case. But

it is submitted that Judge Adams ruled correctly on the facts of the case in denying the injunction asked for.

The injunction in the Debs case was granted against the officers of the American Railway Union to desist and refrain from hindering, obstructing, or stopping any of the business of certain railroads as common carriers of passengers, freight or mails; and from compelling or inducing by threats, persuasive force or violence any of the employees to refuse or fail to perform any of their duties as employees in any of the roads engaged in interstate commerce, and from *ordering, directing, aiding or abetting* any person to commit said acts. In that case it was clear that the union was directly attempting to interfere with interstate commerce and to coerce the railroads into granting their demands by means of such interference. While in the principal case it does not appear that any *direct* interference with or molestation of interstate commerce was intended, and the court expressly retained jurisdiction of the case that all its lawful powers might be invoked to restrain such interference or molestation if any resulted.

It certainly is not well settled how far employees or labor unions can combine and by lawful means enforce legitimate demands upon their employers, especially when the strike will result in molesting interstate commerce. A strike may be lawful or unlawful as controlled by the intent, or by the combination to injure, or the means used to coerce employers to accede to the terms of the employees or organization. Under the Interstate Commerce Act (St. L. 1885-87, p. 379) and the amendments thereto, providing that it shall be unlawful for persons to combine or conspire together to hinder or obstruct commerce, a combination or conspiracy of persons to hinder, obstruct or interfere with the management of any such railroad company, by *threats, intimidation, force* or *violence* against such railroad companies or their employees in the discharge of their duties will be enjoined. *Waterhouse v. Comer,* 55 Fed. 149; *U. S. v. Amalgamated Council,* 54 Fed. 994; *R. R. v. Rutherford,* 62 Fed. 796; *U. S. v. Elliott,* 62 Fed. 801; *Toledo R. R. v. Penn. Co.,* 54 Fed. 730; *In re Debs,* 158 U. S. 564. Where a combination or conspiracy exists subjecting interstate commerce and the transportation of the mails to the will of such conspirators equity has jurisdiction to restrain such obstruction and prevent carrying into effect such conspiracy. *In re Debs,* 158 U. S. 564; *U. S. v. Elliott,* 62 Fed. 801. It will be observed that in these cases some malicious act or wilful interference with interstate commerce seems to be necessary. The intent existed to directly interfere with interstate commerce. A distinction is to be drawn between the motive and the object and the means employed. This distinction is a fine one perhaps, yet is a reasonable and a real distinction. So that if the object is a lawful one equity cannot restrain carrying into effect such intention. Accordingly, where the object is to obtain higher wages and to withdraw from the service of the company if such wages are not granted, no injunction should issue. Otherwise equity would be

compelling the performance of personal services, and this cannot be done by a mandatory injunction. *Lumley v. Wagner,* 1De. G. M. & G. 604; *Toledo R. R. v. Penn. Co.,* 54 Fed. 743. The fact that employees of railroads may quit under circumstances that would show bad faith on their part or a reckless disregard of their contract or of the convenience and interests of both employer and public does not justify a departure from the general rule that equity will not compel employees against their will to remain in the personal service of their employers. *Arthur v. Oakes,* (C. C. A.) 63 Fed. 310 (reversing *Farmer's L. & Tr. Co. v. North Pac. R. R.,* 60 Fed. 803). In *Arthur v. Oakes, supra,* Mr. Justice Harlan says: "Their right as a body of employees affected by the scale of wages to demand given rates of compensation as a condition of their remaining in the service was as absolutely perfect as was the rights of the receivers representing those interested in the trust property. But that is a very different matter from a *combination* or *conspiracy* among employes with the object and intent, not simply of quitting the service of the receiver because of the scale of wages, but crippling the property in their hands and embarrassing the operation of the railroads." *Arthur v. Oakes,* 63 Fed. 310, 320. It is no crime for any number of persons without an unlawful object in view to associate themselves together, and agree that they will not work for or deal with certain men or classes of men, or work under a certain price or without certain conditions. *Carew v. Rutherford,* 106 Mass. 14; *Snow v. Wheeler,* 113 Mass. 186; *Nat. Protective Ass'n v. Duff* (N. Y. Court of Appeals, Apr. 1, 1903). And it is held by the Supreme Court in *Hopkins v. U. S.,* 171 U. S. 578, in effect that agreements among employees of a railroad company which are condemned as in restraint of interstate commerce are such as have some *direct* and *immediate* effect upon such commerce, and do not include agreements not to work for less than a certain sum, or not to work except under certain conditions, even though the cost of interstate traffic would be thereby enhanced.

It is submitted that the test for determining whether a strike or a threatened strike is lawful or unlawful is: (1) If the intent is to interfere directly with interstate commerce, as by crippling the operation of the railroad, the strike is unlawful; (2) If the object is lawful, and there is no intent or *means* used either of force, threats, violence or intimidation having a *direct* effect, the strike is lawful.

LOTTERY TICKETS AND INTERSTATE COMMERCE.

In *Champion v. Ames,* 23 Sup. Ct. Rep. 321, the United States Supreme Court has decided (1) that lottery tickets are subjects of traffic—and of interstate commerce; (2) that transportation of same by common carriers among the States is interstate commerce; (3) that Congress has absolute authority over such commerce (sub-